

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID D. DELAY,

Defendant.

Cause No. CR15-175 RSL

**ORDER PERMITTING MOTION  
TO BE FILED EX PARTE AND  
UNDER SEAL**

The matter having come before the Court on motion of the Defendant for leave to file a Motion for Issuance of a Documents Subpoena to the Snohomish County Sheriff's office ex parte and under seal, the Court finds as follows:

(1) the documents sought by the subpoena are relevant to the Defendant's theory of the case; (2) ex parte filing is authorized by Federal Criminal Rule 17(b); (3) the information sought by the subpoena is not the personal or confidential information of a victim and is directly relevant to the Defendant's theory of the case; (4) an exhibit attached to the Defense Counsel's supporting declaration consists of "protected material".

NOW THEREFORE it is ordered as follows:

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***Gilbert H. Levy***

Attorney at Law  
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1 Defendant may submit the motion for issuance of a documents subpoena to the  
2 Snohomish County Sheriff's Office on an ex parte basis. The Clerk of the Court is directed to  
3 file the Motion, Supporting Declaration, and Order granting the Motion, under seal.

4 DATED THIS 31<sup>st</sup> day of August, 2017

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7 U.S. DISTRICT COURT JUDGE

8 Presented by:

9 /s/Gilbert H. Levy  
10 Gilbert H. Levy, WSBA 4805  
11 Attorney for Defendant  
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